

RICHARD J. TAYLOR June 6, 2005

CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER

1 data expressing you in our example is reduced.

2 Q. But, in order for a user to store that
3 one-sixteenth worth of data that represents the image
4 of you, it is inevitable, and it is unavoidable to
5 store that extraneous, what you call extraneous 15/16
6 worth of data, right?

7 A. Yes. But, it doesn't alter my position
8 that the actual amount of data that is expressing you
9 is reduced.

10 Q. I think I understand your position. But,
11 I just want to make sure that we all understand exactly
12 what was actually happening inside the machine.

13 Now, when the user calls back that picture,
14 not only does the one-sixteenth worth of data that
15 represents the image of you come out of the disc and go
16 through the system, but also that extraneous data, that
17 15/16 worth of extraneous data also is read out from
18 the disc, right?

19 MR. SUMMERGILL: Objection. Vague.

20 A. Yes. But, I'm afraid I fail to see its
21 relevance.

22 Q. Suppose we have a full-size picture on the
23 display, and we execute one of these viewing steps to
24 call back a reduced-sized picture. What happens to the

Richard J. Taylor

06/06/2005

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C E R T I F I C A T E

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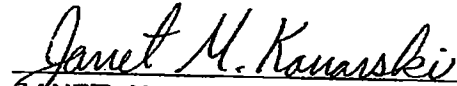
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

I, Janet M. Konarski, a Registered Merit Reporter and a Notary Public within and for the Commonwealth of Massachusetts do hereby certify:

THAT RICHARD J. TAYLOR, the witness whose testimony is hereinbefore set forth, was duly sworn by me and that such testimony is a true and accurate record of my stenotype notes taken in the foregoing matter, to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of June, 2005.


JANET M. KONARSKI
Notary Public

My Commission Expires:

July 19, 2007



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Alan Cavallerano

05/03/2006

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF DELAWARE

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AMPEX CORPORATION,

6

Plaintiff,

7

-against-

C.A. No.

04-1371-KAJ

8

EASTMAN KODAK COMPANY, ALTEK
CORPORATION and CHINON INDUSTRIES,
INC.,

9

**CERTIFIED ORIGINAL
LEGALINK BOSTON**

10

Defendants.

11

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12

May 3, 2006

9:08 a.m.

13

14

Videotaped Deposition of ALAN

15

CAVALLERANO, taken by Defendants,

16

pursuant to Notice, at the offices of

17

Wilmer Cutler Pickering Hale and Dorr

18

LLP, 399 Park Avenue, New York, New

19

York, before ERIC J. FINZ, a Shorthand

20

Reporter and Notary Public within and

21

for the State of New York.

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51:50 1 ALAN CAVALLERANO

11:51:52 2 Q. What is the closest prior
11:51:57 3 art product to the '121 patent?

11:51:58 4 MR. BEAMER: Objection;
11:52:06 5 vague, incomplete hypothetical.

11:52:07 6 A. Well, of the products that
11:52:22 7 I'm aware of, it would be still stores
11:52:27 8 in this time frame, in the time frame
11:52:29 9 of the '121 patent, that also had the
11:52:38 10 capability to browse, to create edit
11:52:42 11 screens. So for example the 6000, the
11:52:45 12 DLS 6000 would come to mind.

11:52:47 13 Q. Is it your understanding
11:52:50 14 that the Quantel DLS 6000 is the
11:52:52 15 closest prior art product to the '121
11:52:52 16 patent?

11:52:53 17 MR. BEAMER: Objection;
11:52:55 18 mischaracterizes the prior testimony,
11:53:01 19 vague and indefinite.

11:53:02 20 A. I would say it's one of the
11:53:07 21 products that would be -- that one
11:53:12 22 could consider as prior art, because it
11:53:18 23 performed the operation of browse in a
11:53:20 24 different way, in a way that didn't
25 have the advantages of the '121 patent.

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1 54:56 1

ALAN CAVALLERANO

11:55:00 2

relevant than the Quantel Paint Box

11:55:02 3

browse?

11:55:07 4

A. What I'm saying is the DLS

11:55:14 5

6000 is specifically a still store -- a

11:55:25 6

still store device. And as such I

11:55:31 7

would see that as being a relevant --

11:55:36 8

relevant prior art: Paint Box and

11:55:40 9

other graphics oriented systems may

11:55:43 10

also have had such a capability, a

11:55:49 11

browse capability, and may also -- and

11:55:53 12

are also relevant. I don't think I

11:55:56 13

could say one would necessarily be more

11:56:02 14

or less relevant than the other. I was

11:56:04 15

simply stating that the DLS 6000 indeed

11:56:07 16

was an example of a still store device

11:56:08 17

that I considered to be relevant.

11:56:10 18

Q. In your expert opinion, is

11:56:14 19

the DLS browse more relevant to the

11:56:16 20

'121 patent than the Quantel Paint Box

11:56:24 21

browse?

11:56:25 22

MR. BEAMER: Asked and

11:56:25 23

answered.

11:56:27 24

A. It's difficult for me to cut

25

hairs and say whether one is more or

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11:56:28 1 ALAN CAVALLERANO
11:56:36 2 less relevant, because I don't know in
11:56:38 3 what particular area of relevancy. I
11:56:43 4 think both products are products that
11:56:48 5 are related to the patent, and I'm
11:56:54 6 citing that the 6000 is exactly a still
11:56:57 7 store device. And that's why I was
11:56:59 8 specifically citing that product.

11:57:02 9 Q. Do you think the Quantel
11:57:04 10 Paint Box browse should have been
11:57:06 11 disclosed to the Patent Office during
11:57:07 12 prosecution of the '121 patent?

11:57:08 13 MR. BEAMER: Objection;
11:57:11 14 vague and indefinite, overly broad.

11:57:14 15 A. Well, I think that the Paint
11:57:18 16 Box browse indeed, we've already
11:57:23 17 established it's prior art to the '121
11:57:27 18 patent. And in fact it's essentially,
11:57:30 19 it has the capabilities of figure 18
11:57:34 20 and 19 in the Taylor patent. And
11:57:37 21 therefore a product that was already
11:57:40 22 considered during the prosecution of
11:57:43 23 the '121 patent, because it was a
11:57:51 24 product that was -- a product that was
25 already, its operations were already

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11:57:53 1 ALAN CAVALLERANO

11:57:56 2 covered and already disclosed by the
11:57:57 3 prior art that was cited.

11:58:01 4 Q. Okay. So it's your expert
11:58:05 5 opinion that Quantel Paint Box browse
11:58:07 6 was disclosed to the Patent Office
11:58:10 7 during prosecution of the '121 patent?

11:58:14 8 A. What I'm saying is that the
11:58:19 9 operations achieved, the functionality
11:58:26 10 achieved, or achievable with the Paint
11:58:28 11 Box device, was nothing novel. And it
11:58:30 12 was operations that were already
11:58:31 13 covered by prior art.

11:58:34 14 Q. Is it your expert opinion
11:58:42 15 that the Quantel DLS 6000 browse is the
11:58:49 16 same as the Quantel Paint Box browse?

11:58:56 17 A. A Quantel 6000 browse, and
11:59:01 18 again, I would have to qualify what the
11:59:07 19 browse -- what the browse is. With the
11:59:09 20 Quantel 6000, it had an automatic
11:59:12 21 browse capability, but that automatic
11:59:15 22 browse required that the reduced size
11:59:21 23 images be taken off of the disk. On
11:59:24 24 the -- as the browse screen was being
... 25 created.

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59:26 1

ALAN CAVALLERANO

11:59:29 2

The Paint Box browse had

11:59:38 3

that capability as well. However, the

11:59:42 4

Paint Box, there was more flexibility

11:59:47 5

in some sense to be able to do cutting

11:59:51 6

and pasting and sticking of images

11:59:54 7

above and beyond what the 6000 was

11:59:55 8

capable.

11:59:57 9

Q. Okay. Do you agree that

12:00:01 10

the Paint Box system could browse

12:00:03 11

cutouts?

12:00:05 12

A. Yes, I'm aware of that.

12:00:09 13

Q. And the DLS 6000 system

12:00:12 14

could not browse cutouts; correct?

12:00:16 15

A. That's correct.

12:00:17 16

Q. And so the Paint Box

12:00:21 17

ability to browse cutouts was never

12:00:23 18

disclosed to the Patent Office during

12:00:25 19

prosecution of the '121 patent;

12:00:27 20

correct?

12:00:37 21

A. Well, that's not true

12:00:40 22

because the cutouts were generated

12:00:43 23

using -- essentially looking at figure

12:00:45 24

19, or looking at the second figure

25

from tab C in my expert report. It was

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14:25:36 1

ALAN CAVALLERANO

14:25:36 2

understanding.

14:25:38 3

Q. Is it fair to say that

14:25:39 4

Mr. Taylor is more knowledgeable about

14:25:41 5

the Paint Box than you are?

14:25:42 6

A. I would expect that to be

14:25:43 7

the case.

14:25:46 8

Q. Have you ever observed a

14:25:48 9

Quantel Paint Box in person?

14:25:52 10

A. I've seen a demo tape, but I

14:25:54 11

have not actually worked with the

14:25:58 12

Quantel Paint Box. However, I have, in

14:26:04 13

working for CBS, I have at least been

14:26:06 14

somewhat familiarized with different

14:26:09 15

types of equipment that's utilized,

14:26:13 16

used in a studio, and also just from my

14:26:16 17

general experiences over the years,

14:26:18 18

over the many years working in the area

14:26:23 19

of video, I have been exposed to image

14:26:27 20

processing type devices.

14:26:30 21

And in fact I've actually

14:26:32 22

been in charge of projects and programs

14:26:38 23

at Philips where we had image

14:26:41 24

processors that were -- that performed

25

some of the functions that one would --

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26:46 1

ALAN CAVALLERANO

14:26:50 2

that we know that the Paint Box could

14:26:52 3

perform. And from that I do have at

14:26:54 4

least a good amount of familiarity.

14:26:56 5

Q. Sir, you referred to a

14:26:58 6

videotape in that answer. Is that the

14:27:00 7

videotape that Mr. Taylor prepared of

14:27:01 8

the Paint Box that you're referring to?

14:27:04 9

A. Yes, I believe that's

14:27:04 10

correct.

14:27:07 11

Q. Other than Mr. Taylor's

14:27:10 12

videotape, have you ever observed the

14:27:11 13

Paint Box?

14:27:12 14

A. No, I have not.

14:27:14 15

Q. Have you ever been in the

14:27:16 16

same room with a Quantel Paint Box?

14:27:21 17

A. I could say probably,

14:27:26 18

probably not. I have been -- I have

14:27:28 19

been in different studios at different

14:27:31 20

times, and it's possible -- or at

14:27:33 21

different trade shows over the years,

14:27:37 22

and it's possible that I was. But not

14:27:39 23

that -- not to the extent that I was

14:27:41 24

aware that there was a Paint Box and I

25

went over to it and started to use it.

B-414

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27:43 1 ALAN CAVALLERANO

14:27:44 2 Q. Other than Mr. Taylor's
14:27:47 3 videotape, have you ever observed the
14:27:50 4 Quantel Paint Box in operation?

14:27:52 5 A. Again, not that I'm aware
14:27:55 6 of. Unless it was used as a part of
14:27:57 7 something that I was watching on
14:28:00 8 television or something of that nature.

14:28:01 9 Q. I take it then that you've
14:28:03 10 never operated the Quantel Paint Box?

14:28:04 11 A. That's correct.

14:28:05 12 Q. And you've never conducted
14:28:07 13 a detailed inspection of the Quantel
14:28:08 14 Paint Box?

14:28:12 15 A. Detailed inspection of the
14:28:14 16 actual physical unit itself, that's
14:28:16 17 correct. I have reviewed materials
14:28:17 18 related to the Paint Box.

14:28:19 19 Q. So it's correct that you've
14:28:21 20 never conducted a detailed inspection
14:28:24 21 of the actual Quantel Paint Box?

14:28:24 22 A. That's correct.

14:28:26 23 Q. And you've never inspected
14:28:30 24 the circuitry of an actual Quantel
25 Paint Box?

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14:28:30 1

ALAN CAVALLERANO

14:28:33 2

A. Of an actual Paint Box,

14:28:33 3

that's correct.

14:28:35 4

Q. Did you ask your lawyers if

14:28:38 5

you could inspect the Paint Box that is

14:28:41 6

the subject of Mr. Taylor's video?

14:28:43 7

A. No, I have not.

14:28:45 8

Q. Did they tell you that that

14:28:47 9

system was made available for

14:28:49 10

inspection in this litigation?

14:28:54 11

A. They may have. I don't

14:28:58 12

recall. I can't say that I recall.

14:29:00 13

Q. Do you think it would have

14:29:03 14

been helpful to you to have inspected

14:29:04 15

the Paint Box before rendering an

14:29:08 16

opinion on the Paint Box?

14:29:08 17

MR. BEAMER: Objection;

14:29:10 18

vague.

14:29:16 19

A. Generally I would say that

14:29:19 20

my understanding of the device, my many

14:29:21 21

years of experience in the field of

14:29:28 22

video, would lead me to feel that I

14:29:30 23

more or less know what it is, I can

14:29:33 24

look at the manuals that are provided

25

and have a good understanding of what

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14:29:35 1

ALAN CAVALLERANO

14:29:40 2

the product is, what the product does.

14:29:43 3

Q. Because you're comfortable

14:29:45 4

rendering an opinion on the Quantel

14:29:49 5

Paint Box without ever having actually

14:29:51 6

seen the Quantel Paint Box; is that a

14:29:51 7

fair statement?

14:29:53 8

A. Yes, that's a fair

14:29:53 9

statement.

14:29:54 10

Q. Are you an expert on the

14:29:55 11

Quantel Paint Box?

14:29:56 12

MR. BEAMER: Objection;

14:29:56 13

asked and answered.

14:29:58 14

A. Well, as we discussed, as I

14:30:00 15

presented this morning, I am an expert

14:30:02 16

in the field of video. A person who's

14:30:05 17

had many years of experience with

14:30:09 18

video. And as such I am an expert with

14:30:13 19

video type products. And that's what

14:30:15 20

my area of expertise is in.

14:30:16 21

Q. And my question to you,

14:30:19 22

sir, is, are you specifically an expert

14:30:23 23

on the Quantel Paint Box?

14:30:24 24

MR. BEAMER: This was asked

25

and answered this morning.